

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOE ROJAS,
Plaintiff,
v.
CITY OF GILROY, et al.,
Defendants.

Case No. 24-cv-03206-SVK

**ORDER RE CITY OF GILROY'S
DISCOVERY LETTER BRIEF (DKT.
26)**

**ORDER FOR PLAINTIFF TO SHOW
CAUSE WHY CASE SHOULD NOT BE
DISMISSED FOR FAILURE TO
PROSECUTE**

On January 24, 2025, Defendant City of Gilroy filed a discovery letter brief concerning Plaintiff's failure to serve responses to the City's request for production of documents (RFPs) and failure to produce responsive documents. Dkt. 26. On February 4, 2025, the Court issued an Order to Show Cause (OSC re discovery) requiring that by February 10, 2025, Plaintiff either (1) serve responses to the RFPs without objection, produce responsive documents, and file a statement with the Court that he had done so, or (2) file a response to the OSC re discovery. Dkt. 27. The OSC re discovery set an OSC hearing by videoconference for February 13, 2025. *Id.*

Plaintiff did not file a statement confirming his response to RFPs and production of documents or a response to the OSC re discovery by the February 10 deadline, as required. On February 12, 2025, the Court issued a Clerk's Notice confirming that the OSC hearing would take place as scheduled on February 13, 2025. Dkt. 30.

The Court held the OSC hearing on February 13, 2025. Noah G. Blechman appeared for the City. There was no appearance for Plaintiff. Plaintiff and his counsel did not otherwise communicate with the Court, and Mr. Blechman represented that he had emailed Plaintiff's counsel on February 12 to remind of him of the February 13 hearing and received no response.

Accordingly, the Court **ORDERS** as follows:

1. As a result of Plaintiff's failure to respond to the City's RFPs and his failure to respond to the Court's OSC re discovery, the Court **GRANTS** the City's request for relief in its discovery letter brief at Dkt. 26. All objections by Plaintiff to the City's RFPs, including any privilege objections, are waived. By **February 21, 2025**, Plaintiff must make a full and complete production of all documents responsive to the City's RFPs.
2. In light of the litigation history in this case, in particular Plaintiff's failure to communicate with opposing counsel over several months or to respond to this Court's OSC re discovery, Plaintiff is required to appear by videoconference on **March 11, 2025 at 10:00 a.m.** to **SHOW CAUSE** why this case should not be dismissed for failure to prosecute.¹ Plaintiff must also file a response to this OSC re dismissal by **March 4, 2025**.
3. As requested by the Court at the February 13, 2025 hearing on the OSC re discovery, the City's attorney is make a further reasonable effort to contact Plaintiff's attorney and, if unable to do so, to seek any reasonably available public information about the status of Plaintiff's attorney in advance of the March 11 hearing on this OSC re dismissal.

SO ORDERED.

Dated: February 13, 2025



SUSAN VAN KEULEN
United States Magistrate Judge

¹ As explained by the Court at the February 13, 2025 hearing, the Individual Defendants have not yet consented or declined magistrate judge jurisdiction, and they are free to withhold consent to proceed before a magistrate judge without adverse substantive consequences. If the Court determines that dismissal for failure to prosecute is appropriate before receiving the Individual Defendants' consent or declination, it will order the case reassigned to a District Judge with a report and recommendation that the case be dismissed.